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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/774,719	02/09/2004	Sunny Carmel	28022-95505 9557		
23644 75	590 10/04/2005		EXAMINER		
BARNES & THORNBURG			MATHEW, FENN C		
P.O. BOX 2786			ART UNIT	PAPER NUMBER	
CHICAGO, IL 60690-2786			3764		
· ·			DATE MAIL ED. 10/04/2004	_	

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)		
Office Action Summary		10/774,719	CARMEL ET AL.		
		Examiner	Art Unit		
		Fenn C. Mathew	3764		
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with the o	orrespondence address		
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATES OF A COMMENT OF THE MAILING DATES OF A COMMENT	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE.	N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133).		
Status					
1)⊠	Responsive to communication(s) filed on 21 Ju	<u>ıly 2005</u> .			
2a)⊠	☐ This action is FINAL. 2b)☐ This action is non-final.				
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
	closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.		
Disposit	ion of Claims				
4)⊠ 5)□ 6)⊠ 7)□	Claim(s) <u>2,3,5,6,11,14,15,17 and 22-24</u> is/are 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) <u>2,3,5,6,11,14,15,17 and 22-24</u> is/are Claim(s) is/are objected to. Claim(s) are subject to restriction and/o	wn from consideration. rejected.			
Applicat	ion Papers				
,—	The specification is objected to by the Examine The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the	epted or b) ☐ objected to by the			
11)□	Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	tion is required if the drawing(s) is ob	ojected to. See 37 CFR 1.121(d).		
Priority (under 35 U.S.C. § 119				
12) <u>□</u> a)	Acknowledgment is made of a claim for foreign All b) Some * c) None of: Certified copies of the priority document Certified copies of the priority document Copies of the certified copies of the priority document application from the International Bureau See the attached detailed Office action for a list	s have been received. s have been received in Applicat rity documents have been receiv u (PCT Rule 17.2(a)).	tion No ed in this National Stage		
		/ \ ·	W. DONNELLY Y EXAMINER		
Attachmer	nt(s)	#	2		
1) 🛛 Noti	ce of References Cited (PTO-892)	4) Interview Summary			
3) 🔲 Info	ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date	Paper'No(s)/Mail D 5) Notice of Informal I 6) Other:	Patent Application (PTO-152)		

Application/Control Number: 10/774,719

Art Unit: 3764

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- Claims 2, 3, 11, 14, 15, 17, 22, 23, and 24 are rejected under 35 U.S.C. 102(b) 2. as being anticipated by Bosch. Referring to claims 22 and 24, Bosch teaches an elongated tube, a pair of handles (5), an engaging member having a first side and an opposite side, the engaging member having a width and a length between a first end and a second end with the length being greater than the width and with the engaging member being flexible along substantially its entire length, the first side including an adjustable portion (3) whereby the first end and second end are releasably fastened in different positions to permit engaging different portions of a user's body, and the opposite side including a channel (20, 21) slidably engaging the elongated tube along the length of the elongated tube for adjustably locating the engaging member on the elongated tube. Referring to claim 23, Bosch teaches the channel comprising a flexible material (nylon). Referring to claim 2, Bosch teaches the elongated tube includes a pair of ends and further comprising an other handle secured to the elongated tube, each handle associated with a respective one of the ends of the elongated tube. Referring to claim 3, Bosh teaches the engaging member comprising nylon. Referring to claim 11, Bosch teaches the channel comprising a strip stitched to the engaging member.

Art Unit: 3764

Referring to claim 14, Bosch teaches the engaging member including connecting portions releasably securable to each other to form a loop configured to receive the portion of the user's body. Referring to claim 15, Bosch teaches the use of hook and loop fasteners. Referring to claim 17, Bosch teaches the body engaging member comprising nylon.

Claim Rejections - 35 USC § 103

- 3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosch alone. Bosch teaches the claimed invention including the first and second connecting end being connecting portions and including hook and loop fasteners. The feature of having the ends rounded are considered a matter of obvious design choice, as it appears that the Bosch device would perform equally well absent unexpected or undesired results.

Response to Arguments

5. Applicant's arguments with respect to claims 22, 24, and all claims dependant thereon, have been considered but are most in view of the new ground(s) of rejection.

Conclusion

Application/Control Number: 10/774,719

Art Unit: 3764

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

JEROME W. DONNELLY

Page 5

Application/Control Number: 10/774,719

Art Unit: 3764

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fcm October 1, 2005